IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15404 of 2000

Between:

Fatima Begum W/o.Mohd.Hasamuddin
R/o.H.No.8-1-352 Dargah Road, Toli Chowki
Opp.Brindavan Colony, Hyderabad, A.P.

..... PETITIONER

AND

1 Assistant City Planner Circle V, Municipal Corporation of Hyderabad.
Khairatabad Hyderabad.
2 The Chief City Planner Municipal Corporation of Hyderabad.
Tank Bund Hyderabad.
3 The Commissioner Municipal Corporation of Hyderabad.
Tank Bund Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of *Writ of Mandamus*, declaring the proposed dispossession of the Petitioner from her house bearing No.8-1-352 situated at Opposite to Brindavan Colony, Tolichowki, Hyderabad, as illegal, void and violative of the Fundamental Rights Guaranteed under the Constitution of India and further direct the Respondents not to dispossess the petitioner from her house situated above and refer the matter to the Government for acquisition of land strictly in terms of Sec. 147 of the Hyderabad Municipal Corporation Act and pay compensation to the petitioner as per law.

Counsel for the Petitioner: MR.MOHD.ZIA-UL-HAQ

Counsel for the Respondents: SMT.G.JYOTHI KIRAN (S.C. for Municipal Corporation)

The Court made the following:

ORDER:

Seeking Writ of Mandamus, declaring the action of the respondents in proposing the dispossession of the petitioner from her house bearing No.8-1-352, situated opposite to Brindavan Colony, Tolichowki, Hyderabad, as illegal and arbitrary, the present writ petition has been filed.

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

It is stated that the petitioner is the owner of the property in question and the respondents without following due procedure prescribed under the law and without paying any compensation either by way of private negotiations or by way of initiating land acquisition proceedings, are proceeding to take away the property in utter violation of the principles of natural justice as well as Section 146 and 147 of the Hyderabad Municipal Corporation Act.

This Court disposed of number of writ petitions directing the respondents not to demolish the properties of private citizens without following due process of law or private negotiations.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the respondents not to demolish or take away the properties of the petitioners without following due process of law or private negotiations or initiating the proceedings under the Land Acquisition Act, 1894.

With the above direction, the writ petition is disposed of. No order as to costs.

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(ELIPE DHARMA RAO, J)

Date: 21.07.2005

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Assistant City Planner Circle V,

Municipal Corporation of Hyderabad.
Khairatabad Hyderabad.
2. The Chief City Planner Municipal Corporation of Hyderabad.
Tank Bund Hyderabad.
3. The Commissioner Municipal Corporation of Hyderabad.
Tank Bund Hyderabad.

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5. 1 CC to MR.MOHD.ZIA-UL-HAQ

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